

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CENTER FOR DISABILITY ACCESS Raymond G. Ballister, Jr. SBN 111282 P.O. Box 262490 San Diego, CA 92196-2490 TELEPHONE NO.: (858) 375-7385 FAX NO. (Optional): (888) 422-5191 E-MAIL ADDRESS (Optional): mark@potterhandy.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
CENTRAL DISTRICT OF CALIFORNIA MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: Counter DEFENDANT/RESPONDENT: South Coast Plaza et. al.	CASE NUMBER: 8:19-CV-00092-DOC-KES
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): **SEE ATTACHED LIST OF DOCUMENTS SERVED**
3. a. Party served (specify name of party as shown on documents served):
South Coast Plaza, a California Corporation
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Agent for Service of Process - MARK L. HEIM
4. Address where the party was served:
3315 FAIRVIEW ROAD COSTA MESA CA 92626
5. I served the party (check proper box)
 - a. ☐ *by personal service.* I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☒ *by substituted service.* On (date): 1/29/2019 at (time): 12:40 pm I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
Sally Sims, Administrative Assistant
 - (1) ☒ (*business*) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (*home*) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (*physical address unknown*) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☒ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): 1/30/2019 from (city): San Diego or ☒ a declaration of mailing is attached.
 - (5) ☐ I attach a *declaration of diligence* stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Counter	CASE NUMBER:
DEFENDANT/RESPONDENT: South Coast Plaza et. al.	8:19-CV-00092-DOC-KES

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant. (415.10)
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): **South Coast Plaza, a California Corporation**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Richard Atkinson
- b. Address: 10073 Valley View Street, #118, Cypress, CA 90630
- c. Telephone number: (949) 370-5102
- d. **The fee** for service was: \$ 30
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 2888
- (iii) County: Orange

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: 1/31/2019

Richard Atkinson

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

Attorney or Party without Attorney (Name and Address): CENTER FOR DISABILITY ACCESS Raymond G. Ballister, Jr. SBN 111282 P.O. Box 262490 San Diego, CA 92196-2490 Telephone No.: (858) 375-7385 Fax No.: (888) 422-5191		
Attorney for Plaintiff		
Insert name of Court, and Judicial District and Branch Court: CENTRAL DISTRICT OF CALIFORNIA		
SHORT TITLE CASE:		
PLAINTIFF: Counter		
DEFENDANT: South Coast Plaza et. al.		
AFFIDAVIT OF REASONABLE DILIGENCE		Case No.: 8:19-CV-00092-DOC-KES

I, Richard Atkinson, declare I am a Registered Process Server and was retained by Ato cf c'Rtlo g. I was on the dates mentioned herein over the age of eighteen years and not a party to this action. I am authorized to serve legal process in the State of California. The following facts are within my personal knowledge and if sworn as a witness I can and will truthfully and competently testify thereto.

I attempted to serve the following documents: **SEE ATTCHED LIST OF DOCUMENTS SERVED**

Name of party served: South Coast Plaza, a California Corporation

(Jan 25, 2019, 10:10 am)

(Business) and (3315 FAIRVIEW ROAD, COSTA MESA, CA 92626)

Unsuccessful Service Attempt

(Jan 28, 2019, 2:15 pm)

(Business) and (3315 FAIRVIEW ROAD, COSTA MESA, CA 92626)

Unsuccessful Service Attempt

(Jan 29, 2019, 12:40 pm)

(Business) and (3315 FAIRVIEW ROAD, COSTA MESA, CA 92626)

Unsuccessful Service Attempt. I was able to serve personally Sally Sim, who identified herself as Administrative Assistant. Age: 60; Ethnicity: Caucasian; Gender: Female; Weight: 140; Height: 5'8"; Hair: Gray; Eyes: Blue

Process Server: Richard Atkinson
Armada Prime
9845 Erma Road, Ste. 300
San Diego, CA 92131
(213) 761-5477

[X] Registered California
Process Server
Registration Number: 2888
County Orange
Fee for service: \$30

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

1/31/2019

Executed on: _____

Signature: 

Attorney or Party without Attorney (Name and Address): CENTER FOR DISABILITY ACCESS Raymond G. Ballister, Jr. SBN 111282 P.O. Box 262490 San Diego, CA 92196-2490 Telephone No.: (858) 375-7385 Fax No.: (888) 422-5191		
Attorney for Plaintiff Insert name of Court, and Judicial District and Branch Court: CENTRAL DISTRICT OF CALIFORNIA		
SHORT TITLE CASE:		
PLAINTIFF: Counter		
DEFENDANT: South Coast Plaza et. al.		
PROOF OF SERVICE BY MAIL		Case No.: 8:19-CV-00092-DOC-KES

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. I served copies of the following documents: **SEE ATTCHED LIST OF DOCUMENTS SERVED**
3. By placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:
 - a. Date of Mailing: 1/30/2019
 - b. Place of Mailing: San Diego, California
 - c. Addressed as follows:

SOUTH COAST PLAZA
Agent for Service of Process: MARK L. HEIM
3315 FAIRVIEW ROAD
COSTA MESA CA 92626

I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid at San Diego, California in the ordinary course of business.

Armada Prime
9845 Erma Road, Ste. 300
San Diego, CA 92131
(213) 761-5477
Admin@ArmadaPrime.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: 1/30/2019 Signature: 

PROOF OF SERVICE BY MAIL

Case Name: Counter v. South Coast Plaza

Case Number: 8:19-CV-00092-DOC-KES

DOCUMENTS SERVED

- | | |
|---|---|
| <input checked="" type="checkbox"/> SUMMONS & PROOF OF SERVICE | <input type="checkbox"/> ECF REGISTRATION INFORMATION HANDOUT |
| <input checked="" type="checkbox"/> COMPLAINT & CIVIL COVER SHEET | <input type="checkbox"/> ORDER SETTING CASE MANAGEMENT CONFERENCE |
| <input type="checkbox"/> INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET | <input type="checkbox"/> NOTICE OF CASE ASSIGNMENT – UNLIMITED CIVIL CASE |
| <input type="checkbox"/> VERIFICATION | <input type="checkbox"/> VOLUNTARY EFFICIENT LITIGATIONS STIPULATIONS |
| <input type="checkbox"/> CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION | <input type="checkbox"/> STIPULATION - EARLY ORGANISATIONAL MEETING |
| <input checked="" type="checkbox"/> NOTICE TO PARTIES OF COURT – DIRECTED ADR PROGRAM | <input type="checkbox"/> STIPULATION – DISCOVERY RESOLUTION |
| <input checked="" type="checkbox"/> CERTIFICATION AND NOTICE OF INTERESTED PARTIES | <input type="checkbox"/> INFORMAL DISCOVERY CONFERENCE |
| <input checked="" type="checkbox"/> NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES | <input type="checkbox"/> STIPULATION AND ORDER – MOTIONS IN LIMINE |
| <input type="checkbox"/> NOTICE TO COUNSEL | <input checked="" type="checkbox"/> ADVISORY INFORMATION FOR BUILDING OWNERS AND TENANTS [PER CALIFORNIA CIVIL CODE 55.3(B)(1)(A)] |
| <input type="checkbox"/> ATTENTION: NEW CIVIL ACTIONS | <input checked="" type="checkbox"/> ADVISORY NOTICE TO DEFENDANT [PER CALIFORNIA CIVIL CODE 55.54(A)(1)] |
| <input type="checkbox"/> DEMAND FOR JURY TRIAL | <input checked="" type="checkbox"/> NOTICE OF STAY & EARLY EVALUATION CONF OR JOINT INSPECTION (Disability Access Litigation) |
| <input type="checkbox"/> NOTICE TO PARTIES: COURT POLICY ON SETTLEMENT AND USE OF ALTERNATIVE DISPUTE RESOLUTION (ADR) | <input checked="" type="checkbox"/> DEFENDANT'S APPLICATION FOR STAY & EARLY EVALUATION CONFERENCE PER CIVIL CODE 55.54 OR JOINT INSPECTION |
| <input type="checkbox"/> ORDER RE STATUS (PRE TRIAL SCHEDULING) CONFERENCE | <input checked="" type="checkbox"/> OTHER |
| <input type="checkbox"/> NOTICE OF AVAILABILITY OF A MAJISTRATE JUDGE TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS | |
| <input type="checkbox"/> NOTICE OF AVAILABILITY-VOLUNTARY DISPUTE RESOLUTION | |
| <input type="checkbox"/> STIPULATION TO ELECT REFFERAL OF ACTION TO VOLUNTARY DISPUTE RESOLUTION PROGRAM (VDRP) | INITIAL STANDING ORDER |
| <input type="checkbox"/> ORDER REQUIRING JOINT STATUS REPORT | FOLLOWING ASSIGNMENT OF |
| <input type="checkbox"/> ORDER RE FILING REQUIREMENTS | CIVIL CASE TO JUDGE CARTER |
| <input type="checkbox"/> ORDER SETTING MANDATORY SCHEDULING CONFERENCE | |
| <input type="checkbox"/> STANDING ORDER REGARDING CASE MANAGEMENT IN ALL CIVIL CASES | |
| <input type="checkbox"/> SCHEDULING ORDER FOR CASES ASSERTING DENIAL OF RIGHT OF ACCESS UNDER AMERICANS WITH DISABILITIES ACT | |
| <input type="checkbox"/> CIVIL MINUTES – GENERAL | |
| <input type="checkbox"/> SETTLEMENT CONFERENCE PROCEDURES | |
| <input type="checkbox"/> STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA | |
| <input type="checkbox"/> CONSENT TO PROCEED BEFORE A UNITED STATE MAJISTRATE JUDGE | |